

REMARKS

Reconsideration is respectfully requested, for the refusal to consider the Information Disclosure Statement.

The Information Disclosure Statement filed March 3, 2004 included an English-language translation of the French Search Report by which the German and French references (not in the English language) were cited. This English-language translation not only pointed out that the German reference is in category "X" and the French in category "A", but also gave English-language explanations of the precise portions of the respective specifications that were considered to be pertinent.

This fully satisfies the requirement for a concise explanation of the relevance of non-English language information, as set forth in MPEP 609 A (3), a marked copy of which is attached to this amendment.

Thus, either the English-language translation or the designation of "X" and "A" would have sufficed; but in fact, we provided both.

Accordingly, a marked copy of PTO 1449 bearing the Examiner's initials is respectfully requested.

The objection to the drawings is noted. The first question is how the bolt 59 slides along the groove 58. The explanation is that, when the bolt 59 is retracted by upward pull on the handle 63, against the action of spring 60, the bolt is retracted from one of the openings 36-39 and so is free to slide

vertically as seen in Figure 4, with the result of the possible folding and unfolding of the table.

The question was also raised as to the drawings, concerning the manner in which the end 73a of the cover constitutes means for fixing the housing 64 via its lid 69. As seen in Figure 7, the cover 73 extends downwardly towards the lower end of 73a, which abuts the lid of the cover 69. When the cover 69 is applied to the housing 64, it is the lid 69 against which the lower end 73a will abut. See the exploded assembly view of Figure 8 in this connection.

Therefore, it is not believed that drawing corrections or further explanation in the specification is required.

The Abstract of the Disclosure has also been rewritten in a manner in American form.

The claims previously in the case have been replaced by a set of new claims that are believed to be proper as to form and clearly patentable over the cited references. In drafting the new claims, great care was taken to satisfy the formal requirements pointed out in the Official Action.

Accordingly, reconsideration is respectfully requested for the rejection of what was claim 1 and anticipated by MUELLER.

The basic structure of the MUELLER table is basically different from the applicant's structure table: in the invention the structure comprises a support to which two table tops are

hingedly connected by means of levers. This support is not foldable.

In the MUELLER table, the locking means are a double pin 55, 56 and holes 60 and 62 in which said pins 55, 56 may enter when they are mutually registered. As the pins 55, 56 are biased in a locked state by a spring 69, at the end of the unfolding phase, the edges 76, 77 of the hinge members 23, 24 having the holes 60, 62 abut the pins 55, 56 and stop the unfolding movement until the pins are moved.

But this abutment does not render irreversible the movement. In other words, as the unfolding movement is blocked, a further reverse folding movement is still possible. And this is precisely this movement that the invention will prevent: to prevent the unfolding movement when the folding state is not almost reached in order to prevent an unfolding movement when the user believes that the table is folded and locked in this folded state.

Of course, the spontaneous unfolding movement may result in injuries for someone having a part of his body located between the two panels, near the net.

The table according to the invention has at least one locked state, the folded one for example, in known manner and an abutment which can be passed over when folding the table but which prevents the reverse movement if the folding movement is not fully achieved.

As the new claims bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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Appendix:

The Appendix includes the following items:

- amended abstract
- copy of MPEP 609 A (3)

listing of the cumulative information. But see *Semiconductor Energy Laboratory Co. v. Samsung Electronics Co.*, 204 F.3d 1368, 1374, 54 USPQ2d 1001, 1005 (Fed. Cir. 2000) (Reference was not cumulative since it contained a more complete combination of the claimed elements than any other reference before the examiner. "A withheld reference may be highly material when it discloses a more complete combination of relevant features, even if those features are before the patent examiner in other references." (citations omitted).).

37 CFR 1.98(a)(3)(ii) states that if a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in 37 CFR 1.56(c), a copy of the translation shall accompany the statement. Translations are not required to be filed unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

A (3) Concise Explanation of Relevance for Non-English Language Information

Each information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein with the page(s) and lines of the specification where it is incorporated being noted in the IDS.

The requirement for a concise explanation of relevance is limited to information that is not in the English language. The explanation required is limited to the relevance as understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information at the time the information is submitted to the Office. If a complete translation of the information into English is submitted with the non-English language information, no concise

explanation is required. An English-language equivalent application may be submitted to fulfill this requirement if it is, in fact, a translation of a foreign language application being listed in an information disclosure statement. There is no requirement for the translation to be verified. Submission of an English language abstract of a reference may fulfill the requirement for a concise explanation. Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. The requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120.

If information cited or submitted in a prior application relied on under 35 U.S.C. 120 was not in English, a concise explanation of the relevance of the information to the new application is not required unless the relevance of the information differs from its relevance as explained in the prior application.

The concise explanation may indicate that a particular figure or paragraph of the patent or publication is relevant to the claimed invention. It might be a simple statement pointing to similarities between the item of information and the claimed invention. It is permissible but not necessary to discuss differences between the cited information and the claims. However, see *Semiconductor Energy Laboratory Co. v. Samsung Electronics Co.*, 204 F.3d 1368, 1376, 54 USPQ2d 1001, 1007 (Fed. Cir. 2000) ("[A]lthough MPEP Section 609A(3) allows the applicant some discretion in the manner in which it phrases its concise explanation, it nowhere authorizes the applicant to intentionally omit altogether key teachings of the reference.").

In *Semiconductor Energy Laboratory*, patentee during prosecution submitted an untranslated 29-page Japanese reference as well as a concise explanation of its relevance and an existing one-page partial English translation, both of which were directed to less mate-